

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

James L. Gardiner

Application No.: 10/813,781

Filing Date: March 31, 2004

For: BEVERAGE CONTAINER

Confirmation No.: 5225

Group Art Unit: 3781

Examiner: James N. Smalley

Mail Stop AF Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT
TO 37 CFR § 1.114**

(Note - RCE practice is not available to United States applications with a filing date prior to June 8, 1995 or United States National Phase Applications where entry into the national phase is from an International Application filed prior to June 8, 1995. However, if a Continued Prosecution Application was filed after June 8, 1995 in one of the above-identified applications, RCE practice would then be permitted on that application)

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

1. Submission required under 37 CFR § 1.114

- Previously submitted
- Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on . (Any unentered amendment(s) referred to above will be entered).
- Consider the arguments in the Appeal Brief or Reply Brief previously filed on .
- Other: .
- Enclosed
- Amendment/Reply under 37 CFR § 1.116

Affidavit(s)/Declaration(s)

Information Disclosure Statement (IDS)

Other: Terminal Disclaimer

2. Miscellaneous

Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR §1.17(i) required)

FEE CALCULATION:

| | | | | SMALL ENTITY | | NOT SMALL ENTITY | |
|---|----------------------------------|----------------------------|-------|---------------|-------|------------------|----------|
| <input checked="" type="checkbox"/> RCE BASIC FILING FEE | | | | \$395.00 | \$ | \$790.00 | \$790.00 |
| | CLAIMS REMAINING AFTER RCE | HIGHEST NO. PAID FOR | EXTRA | | | | |
| TOTAL CLAIMS | 33 | 32 | 1 | \$25 EACH | \$ | \$50 EACH | \$50.00 |
| INDEP. CLAIMS | 3 | 3 | 0 | \$100 EACH | \$ | \$200 EACH | \$00.00 |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT | | | | \$180 | \$ | \$360 | \$ |
| <input type="checkbox"/> ONE MONTH EXTENSION OF TIME | | | | \$60 | \$ | \$120 | \$ |
| <input type="checkbox"/> TWO MONTH EXTENSION OF TIME | | | | \$225 | \$ | \$450 | \$ |
| <input type="checkbox"/> THREE MONTH EXTENSION OF TIME | | | | \$510 | \$ | \$1020 | \$ |
| <input type="checkbox"/> FOUR MONTH EXTENSION OF TIME | | | | \$795 | \$ | \$1590 | \$ |
| <input type="checkbox"/> FIVE MONTH EXTENSION OF TIME <small>(May only be taken when filing RCE in lieu of Appeal Brief)</small> | | | | \$1080 | \$ | \$2160 | \$ |
| <input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID | | | | minus | (\$) | minus | (\$) |
| <input checked="" type="checkbox"/> TERMINAL DISCLAIMER | | | | \$65 | \$ | \$130 | \$130.00 |
| TOTAL FEE DUE | | | | | \$ | | \$970.00 |

A check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

Please charge Deposit Account No. 23-3050 in the amount of \$970.00. This sheet is attached in duplicate.

A response to the dated was due on . Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from to and through comprising an extension of the shortened statutory period of month(s).

A Notice of Appeal was filed . An Appeal Brief is due on . Applicants are filing this Request for Continued Examination in lieu of this

Appeal Brief. Petition is hereby made to extend the time period from _____ to and through _____ comprising a total extension of _____ month(s).

- The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: June 27, 2007

/Harold H. Fullmer/
Harold H. Fullmer
Registration No. 42,560

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439